



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

December 12, 1994

F. Mark Hansen, Esq.
341 South Main, Suite 406
Salt Lake City, Utah 84111

Re: Docket No. 94-027, Cause No. ACT/015/025, In the Matter of the Request for Agency Action by Petitioners North Emery Water Users Association, Huntington-Cleveland Irrigation Company, and Castle Valley Special Services District

At the conclusion of the November 17, 1994, hearing regarding the referenced matter, the Board of Oil, Gas and Mining ("Board") granted 30 days for the parties to file post hearing memoranda on this matter.

This letter serves as notice that post hearing memoranda on Docket No. 94-027, Cause No. ACT/015/025 will be due in the office of the Secretary of the Board at Suite 350, 3 Triad Center, Salt Lake City on Monday, December 19, 1994.

Janice L. Brown
by CP

Janice L. Brown
Secretary of the Board
of Oil, Gas and Mining

bj



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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December 12, 1994

Carl E. Kingston, Esq.
3212 South State Street
Salt Lake City, Utah 84115

Re: Docket No. 94-027, Cause No. ACT/015/025, In the Matter of the Request for Agency Action by Petitioners North Emery Water Users Association, Huntington-Cleveland Irrigation Company, and Castle Valley Special Services District

At the conclusion of the November 17, 1994, hearing regarding the referenced matter, the Board of Oil, Gas and Mining ("Board") granted 30 days for the parties to file post hearing memoranda on this matter.

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Secretary of the Board
of Oil, Gas and Mining

bj



State of Utah

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December 12, 1994

J. Craig Smith, Esq.
David B. Hartvigsen, Esq.
Nielsen & Senior, P.C.
1100 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

Re: Docket No. 94-027, Cause No. ACT/015/025, In the Matter of the Request for Agency Action by Petitioners North Emery Water Users Association, Huntington-Cleveland Irrigation Company, and Castle Valley Special Services District

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Secretary of the Board
of Oil, Gas and Mining

bj



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3 Triad Center, Suite 350
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801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

December 12, 1994

Jeffrey W. Appel, Esq.
Michele Mattsson, Esq.
Appel & Mattsson
9 Exchange Place, Suite 1110
Salt Lake City, Utah 84111

Re: Docket No. 94-027, Cause No. ACT/015/025, In the Matter of the Request for Agency Action by Petitioners North Emery Water Users Association, Huntington-Cleveland Irrigation Company, and Castle Valley Special Services District

At the conclusion of the November 17, 1994, hearing regarding the referenced matter, the Board of Oil, Gas and Mining ("Board") granted 30 days for the parties to file post hearing memoranda on this matter.

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Janice L. Brown *by JB*

Janice L. Brown
Secretary of the Board
of Oil, Gas and Mining

bj



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

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James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

December 12, 1994

Thomas A. Mitchell, Esq.
Suite 475, 3 Triad Center
Salt Lake City, Utah 84180

Re: Docket No. 94-027, Cause No. ACT/015/025, In the Matter of the Request for Agency Action by Petitioners North Emery Water Users Association, Huntington-Cleveland Irrigation Company, and Castle Valley Special Services District

At the conclusion of the November 17, 1994, hearing regarding the referenced matter, the Board of Oil, Gas and Mining ("Board") granted 30 days for the parties to file post hearing memoranda on this matter.

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Janice L. Brown
Janice L. Brown
Secretary of the Board
of Oil, Gas and Mining

bj

LAW OFFICES OF
APPEL & MATTSSON

JEFFREY W. APPEL L.C.
MICHELE MATTSSON

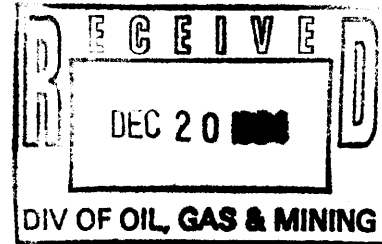
9 EXCHANGE PLACE
SUITE 1100
SALT LAKE CITY, UTAH 84111

TELEPHONE
(801) 532-1252
FACSIMILE
(801) 532-1278

OF COUNSEL
JAMES L. WARLAUMONT

December 19, 1994

Jan Brown
DEPARTMENT OF OIL, GAS AND MINING
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, Utah 84180



Dear Ms. Brown:

Enclosed please find an original and twelve (12) copies to be filed with your office of a Post-Hearing Memorandum of Castle Valley Special Service District. Also enclosed is an extra copy to be stamped and returned for us. For your convenience, a self-addressed, postage pre-paid, envelope is included to return the stamped copy to us.

Thank you for your prompt attention to this matter.

Sincerely,

APPEL & MATTSSON

Wendy S. Nate
Legal Secretary

/encl.



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

December 28, 1994

TO: Board of Oil, Gas and Mining
FROM: Jan Brown
RE: 1/5/95 Board Deliberation of the Co-Op Matter

Attached for your perusal are copies of the parties' briefs filed with the Board re:

Docket No. 94-027, Cause No. Act/015/025-93B -- In the Matter of the Request for Agency Action by Petitioners North Emery Water Users Association, Huntington-Cleveland Irrigation Company and Castle Valley Special Services District.

A special meeting of the Board has been scheduled for 9:00 a.m., Thursday, January 5, to deliberate this case. The meeting will take place at the Division offices in the 5th Floor Board conference room.

The original material concerning this matter was included in your October 1994 Board packets.

Please call me if you have any questions.

Attachments (4)

NIELSEN & SENIOR

Attorneys & Counselors
Since 1882

Arthur H. Nielsen
Gary A. Weston
Earl Jay Peck
Harold A. Ranquist^{NO}
Neil R. Sabin
R. Dennis Ickes⁺
Harold C. Verhaaren
Mark H. Anderson*
B. Kent Ludlow
Richard M. Hymas
John K. Mangum
Richard K. Hincks
Noel S. Hyde
Robert P. Faust
J. Craig Smith*
Jay R. Mohlman
David B. Hartvigsen*
Marilynn P. Fineshriber
Steven F. Allred*

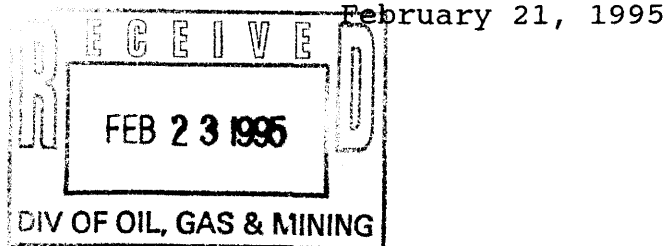
Suite 1100, Eagle Gate Plaza & Office Tower
60 East South Temple, Salt Lake City, Utah 84111
Post Office Box 11808, Salt Lake City, Utah 84147
Telephone: (801) 532-1900 - Telecopier: (801) 532-1913

A Professional Corporation

Edwin W. Senior (1862-1925)
Clair M. Senior (1901-1965)

Also Licensed to Practice in

- * Arizona
- * California
- * Colorado
- * Idaho
- † Navajo Bar
- New Mexico
- Washington, D.C.



David Lauriski, Chairman
Board of Oil, Gas & Mining
Division of Oil, Gas & Mining
Department of Natural Resources
355 West North Temple
III Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Cause No. ACT/015/025-93B
Docket No. 94-027

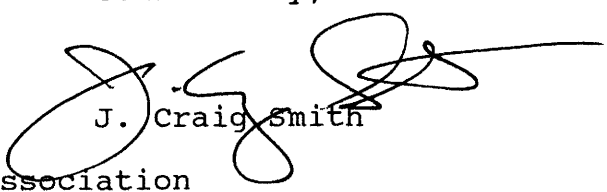
Dear Chairman Lauriski:

Following the hearings and submittal of Post Hearing Memoranda, I became aware of a Notice of Violation issued by the Division of Oil, Gas & Mining for the Bear Canyon Mine.

I respectfully request that this Notice of Violation for Subsidence be added to the record of the above-referenced matter and be considered by the Board of Oil, Gas & Mining on considering the appeal now pending before the Board.

Thank you for your consideration of this request.

Yours truly,



J. Craig Smith

cc: Board of Directors
North Emery Water Users Association
cc: jeffrey Appel, Esq.
cc: Tom Mitchell, Esq.
cc: F. Mark Hansen, Esq.
cc: Carl Kingston, Esq.

PS>B:\NORTH-EM\LAURISKI.LTR

LAW FIRM OF
COLLARD, APPEL & WARLAUMONT, L.C.

1100 BOSTON BUILDING
9 EXCHANGE PLACE
SALT LAKE CITY, UTAH 84111

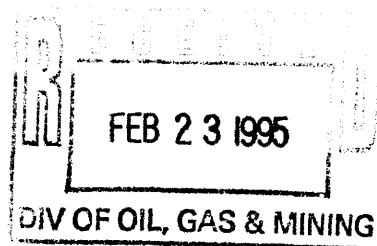
KATHRYN COLLARD, L.C.
JEFFREY W. APPEL, L.C.
JAMES L. WARLAUMONT, L.C.
MICHELE MATTSSON

TELEPHONE
(801) 532-1252
FACSIMILE
(801) 532-1278

February 22, 1995

Jan Brown
DEPARTMENT OF OIL, GAS AND MINING
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, Utah 84180

RE: Docket No. 94-027
Cause No. ACT/015/025-93B



Dear Ms. Brown:

Enclosed please find an original Notice of Name Change for Castle Valley Special Service District's Counsel to be filed with your office. Also enclosed is an extra copy to be stamped and returned for us. For your convenience, a self-addressed, postage pre-paid, envelope is included to return the stamped copy to us.

Thank you for your prompt attention to this matter.

Sincerely,

COLLARD, APPEL & WARLAUMONT

Wendy S. Nate
Legal Secretary

/encl.

JEFFREY W. APPEL (3630)
MICHELE MATTSSON (5401)
COLLARD, APPEL & WARLAUMONT
1100 Boston Building
9 Exchange Place
Salt Lake City, Utah 84111
Telephone: (801)532-1252

Attorneys for Castle Valley
Special Service District

FILED

FEB 23 1995

SECRETARY, BOARD OF
OIL, GAS & MINING

BEFORE THE BOARD OF OIL, GAS AND MINING

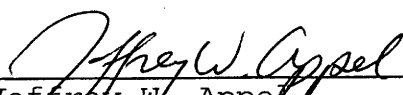
DEPARTMENT OF NATURAL RESOURCES, STATE OF UTAH

IN THE MATTER OF THE REQUEST)	NOTICE OF NAME CHANGE FOR
FOR AGENCY ACTION BY)	CASTLE VALLEY SPECIAL SERVICE
PETITIONERS NORTH EMERY WATER)	DISTRICT'S COUNSEL
USERS ASSOCIATION,)	
HUNTINGTON-CLEVELAND)	
IRRIGATION COMPANY, AND)	Docket No. 94-027
CASTLE VALLEY SPECIAL)	
SERVICES DISTRICT)	Cause No. ACT/015/025-93B
)	

Please be advised that Jeffrey W. Appel and Michele Mattsson, counsel for Castle Valley Special Service District, formerly of Appel & Mattsson, have joined the firm of COLLARD, APPEL & WARLAUMONT. The address is the same as before: 1100 Boston Building, 9 Exchange Place, Salt Lake City, Utah 84111.

DATED this 22nd day of February, 1995.

COLLARD, APPEL & WARLAUMONT



Jeffrey W. Appel
Michele Mattsson
Attorneys for Castle Valley Special
Service District

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of February, 1995, I caused a true and correct copy of the foregoing Notice of Name Change to be mailed, postage prepaid, to the following:

Carl E. Kingston, Esq.
3212 South State Street
Salt Lake City, Utah 84115

F. Mark Hansen, Esq.
341 South Main, Suite 406
Salt Lake City, Utah 84111

Thomas A. Mitchell, Esq.
Assistant Attorney General
3 Triad Center, #350
Salt Lake City, Utah 84180

J. Craig Smith
NIELSEN & SENIOR
60 East South Temple, #1100
Salt Lake City, Utah 84111

Wendy S. Noto

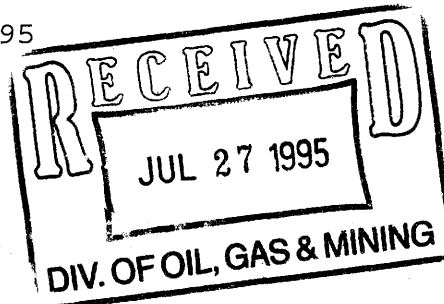
LAW FIRM OF
COLLARD, APPEL & WARLAUMONT, L.C.

1100 BOSTON BUILDING
9 EXCHANGE PLACE
SALT LAKE CITY, UTAH 84111

KATHRYN COLLARD, L.C.
JEFFREY W. APPEL, L.C.
JAMES L. WARLAUMONT, L.C.
BENJAMIN T. WILSON

TELEPHONE
(801) 532-1252
FACSIMILE
(801) 532-1278

July 25, 1995



Jan Brown
DEPARTMENT OF OIL, GAS AND MINING
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, Utah 84180

RE: Docket No. 94-027
Cause No. ACT/015/025-93B

Dear Ms. Brown:

Enclosed please find an original CVSSD, NEWUA and HCIC's Reply to Co-Op's Opposition to Request for Re-Hearing and Modification of Order in the above-referenced case to be filed with your office. Also enclosed is an extra copy to be stamped and returned for us. For your convenience, a self-addressed, postage pre-paid, envelope is included to return the stamped copy to us.

Thank you for your prompt attention to this matter.

Sincerely,

COLLARD, APPEL & WARLAUMONT

Wendy S. Nate
Legal Secretary

/encl.

STATE OF UTAH

OFFICE OF THE ATTORNEY GENERAL



JAN GRAHAM
ATTORNEY GENERAL

CAROL CLAWSON
Solicitor General

REED RICHARDS
Chief Deputy Attorney General

PALMER DePAULIS
Director of Policy & Communications

October 10, 1995

HAND DELIVERED

Ms. Jan Brown
Secretary
Utah Board Of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Co-Op Mining Company, Docket No. 94-027, Cause No.
ACT/015/025-93B

Dear Secretary Brown:

Enclosed please find the proposed form of "Order Denying Request to Re-hear and to Modify the Order dated 6/13/95" with respect to the above referenced matter. Please forward the enclosed form of Order to Mr. Lauriski for his signature. Thank you.

Very truly yours,

Patrick J. O'Hara
Assistant Attorney General

Enclosure

STATE OF UTAH

OFFICE OF THE ATTORNEY GENERAL



JAN GRAHAM
ATTORNEY GENERAL

CAROL CLAWSON
Solicitor General

REED RICHARDS
Chief Deputy Attorney General

PALMER DePAULIS
Director of Policy & Communications

November 2, 1995

J. Craig Smith, Esq.
David B. Hartvigsen, Esq.
Nielsen & Senior
60 East South Temple, Suite 1100
Salt Lake City, Utah 84111

Jeffrey W. Appel, Esq.
Benjamin T. Wilson, Esq.
Collard, Appel & Warlaumont
9 Exchange Place, Suite 1100
Salt Lake City, Utah 84111

Wendell Owen
Co-Op Mining Company
P.O. box 1245
Huntington, Utah 84528

Carl E. Kingston, Esq.
3212 South State Street
Salt Lake City, Utah 84115

F. Mark Kingston, Esq.
341 South Main, Suite 406
Salt Lake City, Utah 84115

Thomas A. Mitchell, Esq.
Assistant Attorney General
355 West North Temple, Suite 475
Salt Lake City, Utah 84180

Re: IN THE MATTER OF THE REQUEST FOR AGENCY ACTION AND
APPEAL OF DIVISION DETERMINATION TO APPROVE
SIGNIFICANT REVISION TO PERMIT TO ALLOW MINING OF
TANK SEAM BY CO-OP MINING COMPANY BY PETITIONERS
NORTH EMERY WATER USERS ASSOCIATION, ET AL., Board
of Oil, Gas and Mining Docket NO. 94-027, Cause
No. ACT/015/025-93B

Gentlemen:

Messrs. Smith, Appel, et al.
November 2, 1995
Page 2

On October 31, 1995, Jeff Appel, counsel in the above matter for Castle Valley Special Service District, telephoned me to inform me that the staff person who signed the Certificate of Service attached to the "Order Denying Request to Re-Hear and to Modify the Order Dated 6/13/95" (the "Order") omitted the mailing date. However, page 2 of the Order, just above Chairperson Lauriski's signature, states:

"ISSUED AND SIGNED this 12th day of October, 1995."

Id. The Utah Supreme Court has expressly held that the date the Order bears on its face, not the mailing date, is the critical date to use in determining whether a timely appeal has been filed. Dusty's Inc. v. Auditing Division of the Utah State Tax Comm'n, 842 P.2d 868 (Utah 1992) ("For Dusty's future guidance and the guidance of all those who petition for judicial review from agency action, we hold that the date the order constituting the final agency action issues is the date the order bears on its face.")

Therefore, if any party in interest plans to seek appellate review from the Order, this is a courtesy reminder that the Order was "issued" October 12, 1995. The Order will not be re-issued as requested by Mr. Appel because the date the Order was issued is not in doubt.

Very truly yours,



Patrick J. O'Hara
Assistant Attorney General

cc: James W. Carter
David D. Lauriski



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

November 16, 1995

Susan E. Richards, Deputy Clerk
Supreme Court of Utah
332 State Capitol
Salt Lake City, Utah 84114

Re: Castle Valley Special Service District v. Oil, Gas & Mining
Supreme Court Number 950487

Dear Ms. Richards:

Enclosed please find the signed, original Writ of Review for the above referenced case.

Sincerely,

Toni Heldman

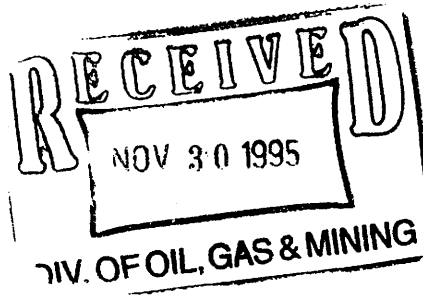
Toni Heldman
Records Officer

Enc.

CARL E. KINGSTON, #1826
3212 South State Street
Salt Lake City, Utah 84115
Telephone: (801)486-1458

F. MARK HANSEN, #5078
624 North 300 West, Suite 200
Salt Lake City, Utah 84103
Telephone: (801) 533-2700

Attorneys for C.W. Mining Company
d/b/a Co-op Mining Company



FILED

NOV 30 1995
SECRETARY, BOARD OF
OIL, GAS & MINING

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES, STATE OF UTAH

IN THE MATTER OF THE
FIVE-YEAR PERMIT RENEWAL
FOR THE BEAR CANYON MINE,
CO-OP MINING COMPANY,
EMERY COUNTY, UTAH

)
) NOTICE OF CHANGE OF ADDRESS
)
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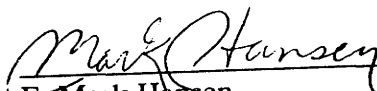
Cause No. ACT/015/025

*Informal
Hearing*

Effective December 1, 1995, F. Mark Hansen is changing his offices. Please direct all
future correspondence and pleadings served on Mr. Hansen to:

F. Mark Hansen, P.C.
624 North 300 West, Suite 200
Salt Lake City, Utah 84103
Telephone: (801) 533-2700
Fax: (801) 533-2736

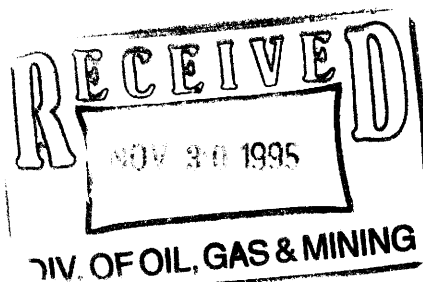
DATED this 28 day of November, 1995.


F. Mark Hansen

CARL E. KINGSTON, #1826
3212 South State Street
Salt Lake City, Utah 84115
Telephone: (801)486-1458

F. MARK HANSEN, #5078
624 North 300 West, Suite 200
Salt Lake City, Utah 84103
Telephone: (801) 533-2700

Attorneys for C.W. Mining Company
d/b/a Co-op Mining Company



FILED
NOV 30 1995
SECRETARY, BOARD OF
OIL, GAS & MINING

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES, STATE OF UTAH

IN THE MATTER OF THE
FIVE-YEAR PERMIT RENEWAL
FOR THE BEAR CANYON MINE,
CO-OP MINING COMPANY,
EMERY COUNTY, UTAH

)
) NOTICE OF CHANGE OF ADDRESS
)
)
)
)
)

) Cause No. ACT/015/025
)

Effective December 1, 1995, F. Mark Hansen is changing his offices. Please direct all
future correspondence and pleadings served on Mr. Hansen to:

F. Mark Hansen, P.C.
624 North 300 West, Suite 200
Salt Lake City, Utah 84103
Telephone: (801) 533-2700
Fax: (801) 533-2736

DATED this 28 day of November, 1995.


F. Mark Hansen

CERTIFICATE OF SERVICE

I certify on November 28, 1995, a true and correct copy of the above NOTICE OF CHANGE OF ADDRESS was served by first-class mail to:

Jeffrey W. Appel
James L. Warlaumont
Benjamin T. Wilson
Collard, Appel & Warlaumont, L.C.
1100 Boston Building
9 Exchange Place
Salt Lake City, Utah 84111

J. Craig Smith
David Hartvigsen
Nielsen & Senior
1100 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

A handwritten signature in cursive script, appearing to read "Mark Hansen", is written over a horizontal line.

LAW OFFICES OF

F. MARK HANSEN, P.C.

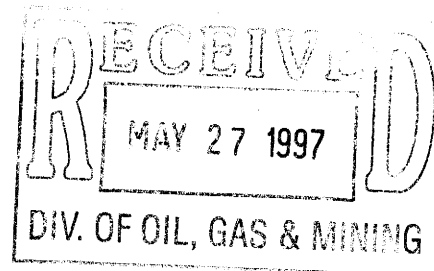
624 NORTH 300 WEST, SUITE 200
SALT LAKE CITY, UTAH 84103
TELEPHONE: (801) 533-2700
FAX: (801) 533-2736

file
ADMITTED TO PRACTICE IN UTAH,
ARIZONA, COLORADO AND NEVADA.

NEVADA OFFICE:
5675 S. VALLEY VIEW, #200
LAS VEGAS, NEVADA 89118
TELEPHONE: (702) 798-0125

May 21, 1997

James W. Carter
Utah Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203



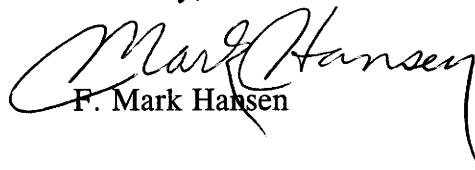
RE: *C.W. Mining Co. permit renewal — DOGM hearing on Water Users' protest*

Dear Mr. Carter.

As a footnote to Co-op's Closing Argument:

On January 14, 1997 Water Users filed a Petition for Rehearing in the case of Castle Valley Special Service Dist. V. Utah Board of Oil, Gas & Mining, 307 Utah Adv. Rep. 10 (December 31, 1996). On May 19, 1997 the Utah Supreme Court denied the petition for rehearing (see attached).

Sincerely,


F. Mark Hansen

cc: Jeffrey W. Appel
J. Craig Smith

SUPREME COURT OF UTAH

STATE OF UTAH

SALT LAKE CITY, UTAH

May 19, 1997

OFFICE OF THE CLERK

F. MARK HANSEN
ATTORNEY AT LAW
624 N 300 W STE 200
SALT LAKE CITY UT 84103

Castle Valley Special
Service District, North Emery
Water Users Association, and
Huntington-Cleveland Irrigation
Company,

Petitioners,

v.

Utah Board of Oil, Gas &
Mining,

Respondents.

No. 950487
94-027

The petition for rehearing is denied.

Pat H. Bartholomew
Clerk of Court